

**INDIANA HARBOR BELT RAILROAD COMPANY**  
**150 NORTH WACKER DRIVE - SUITE 1500**  
**CHICAGO, ILLINOIS 60606-1606**

**ORIGINAL**

**ROGER A. SERPE**  
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August 10, 2004

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Illinois Commerce Commission  
CAP. BUREAU/STATION

Processing and Information  
Transportation Division  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62701

Re: Docket No.: T01-0018  
Crossing No.: 522 161M

**NOTICE IS HEREBY GIVEN** that pursuant to the Amendatory Order attached hereto as Exhibit "A," it was determined that Arrow Terminals L.P., not Indiana Harbor Belt Railroad Company ("IHB"), was the owner of the at-grade crossing and responsible for the reconstruction of the crossing at the expense of the City of Chicago. Pursuant to the Order, IHB has not participated in the reconstruction project.

Very truly yours,



**ROGER A. SERPE**  
General Counsel

RAS/ddl  
Enclosure

**DOCKETED**

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

The City of Chicago, Cook County, Illinois,  
a municipal corporation

vs.

Norfolk Southern Railway Company and  
Indiana Harbor Belt Railroad Company and  
Department of Transportation of the State of  
Illinois, and Arrow Terminals, L.P.

In the matter of the petition for an order of the  
of the Illinois Commerce Commission  
authorizing: the establishment of a new grade  
crossing at the intersection of 126<sup>th</sup> Place with  
the tracks of the Norfolk Southern Railway  
Company in the City of Chicago, Cook County,  
Illinois, directing thereon the installation of auto-  
matic protection devices and construction of a  
proper crossing to be paid by the City of  
Chicago; the reconstruction of an existing  
grade crossing at the intersection of 126<sup>th</sup> Place  
with the tracks of the Indiana Harbor Belt  
Railroad in the City of Chicago, Cook County,  
Illinois, directing thereon the installation of  
cross bucks and reconstruction of a proper  
crossing to be paid by the City of Chicago; and  
the removal of an existing viaduct structure to  
be paid by the City of Chicago, carrying a rail  
line no longer in use of the Indiana Harbor Belt  
Railroad over 126<sup>th</sup> Place in the City of  
Chicago, Cook County, Illinois.

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CHICAGO, ILLINOIS

T01-0018  
Amendatory

AMENDATORY ORDER

By the Commission:

On March 16, 2001, the City of Chicago, Cook County, Illinois, a municipal corporation ("Petitioner" or "City") filed the above-captioned verified petition naming as Respondents Norfolk Southern Railway Company ("Norfolk"), Indiana Harbor Belt Railroad Company ("Indiana Harbor"), the Department of Transportation of the State of Illinois ("IDOT"), and Arrow Terminals L.P. ("Arrow").

**EXHIBIT "A"**

Following a full and public hearing pursuant to notice before an authorized Administrative Law Judge ("ALJ") of the Commission, an Order was entered on December 19, 2001.

On January 17, 2002, counsel for Petitioner, the City of Chicago, Cook County, Illinois, filed an Application for Rehearing, suggesting changes to the December 19, 2001 Order. The Commission is of the opinion that the suggested changes should be made as follows:

Page 2, paragraph 2, line 5: ...existing crossing over the tracks of Arrow Terminals, L.P. equipped with crossbuck signs.

Page 2, paragraph 5, lines 4 and 5: ...at the Arrow Terminals, L.P. crossing are necessary in the interests of public safety.

Page 3, Finding paragraph 7, line 2: of 126<sup>th</sup> place with the tracks of Arrow Terminals, L.P.

Page 4, Finding paragraph 9: proper crossing surfaces should be constructed at the existing crossing and at the new crossing; the costs of construction are to be borne by the City of Chicago.

Page 4, Ordering paragraph 2, lines 7, 8, and 9: Future maintenance of the warning devices shall be the responsibility of the Norfolk Southern Railway Company. (end of paragraph)

Page 4, Ordering paragraph 3, lines 1, 7, and 8, and 9: IT IS FURTHER ORDERED that Arrow Terminals, L.P.... Costs for the warning devices and a proper asphalt crossing surface shall be the financial responsibility of the City of Chicago.

Page 5, Ordering paragraph 5, line 1: IT IS FURTHER ORDERED that Arrow Terminals, L.P. ...

Page 5, Ordering paragraph 6, line 2: ...Southern Railway Company, Arrow Terminals, L.P. and the City of Chicago are hereby required...

Page 5, Ordering paragraph 10, line 2: ...Belt Railroad Company, Arrow Terminals, L.P. and the City of Chicago, within six months from...

Page 6, Ordering paragraph 12, lines 1 and 2: IT IS FURTHER ORDERED that the City of Chicago, Cook County, Illinois and Arrow Terminals, L.P. ....

IT IS THEREFORE ORDERED that the above changes replacing Arrow Terminals, L.P. for Indiana Harbor Belt Railroad and including Arrow Terminals in the Findings and Orders as hereinabove indicated are made a part of the Order of December 19, 2001.

IT IS FURTHER ORDERED that in all other respects, the Order of December 19, 2001 remains in full force and effect.

IT IS FURTHER ORDERED that in accordance with Chapter 625 ILCS 5/18c-2201 and 5/18c-2206 of the Illinois Commercial Law, this is a final order subject to the Administrative Review Law.

By Order of the Commission this 6<sup>th</sup> day of February, 2002.

Chairman